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LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PROMOTE INNOVATION LLC,

Plaintiff

v.

LEVITON MANUFACTURING CO., INC.

Defendant.

Case No. 11-cv-1301

JURY TRIAL DEMANDED

**ORDER OF DISMISSAL**

In light of the settlement agreement and voluntary dismissal by Plaintiff Promote Innovation LLC ("Promote") the Court HEREBY ORDERS as follows:

1. Promote's Complaint and the false patent marking claims pursuant to 35 U.S.C. § 292 against Defendant are hereby dismissed with prejudice.

2. Promote and Defendant shall each bear their own respective attorney fees and costs incurred in connection with this action.

3. This Court retains jurisdiction over the parties and the settlement agreement for purposes of resolving any dispute that may arise under it.

So ordered. Case closed.

Arthur D. Spatt, U.S.D.J.

9/6/11